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Lakshmi Arunachalam

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EXAMINER

PHILLIPS, HASSAN A

ART UNIT

PAPER NUMBER

2151

NOTIFICATION DATE

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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 09/863,704	<b>Applicant(s)</b> ARUNACHALAM, LAKSHMI	
	<b>Examiner</b> HASSAN PHILLIPS	<b>Art Unit</b> 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 28-37 and 78-117 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-37 and 78-117 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in response to communications filed February 1, 2008.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 1, 2008 has been entered.

#### ***Specification***

3. The amendments made to the specification filed February 1, 2008, have been received by the examiner. Examiner acknowledges that reference is made to patent 7,xxx,xxx in this amendment since all pending claims in application 09/792,323 have been allowed, and the issue fee has been paid, and at the time of the response the new patent number was still unknown. Examiner further acknowledges the applicant will correct this in the next correspondence with the examiner.

***Claim Objections***

4. Claim 106 is objected to because of the following informalities: Examiner suggests applicant change the word "manage" in the 3<sup>rd</sup> line of the claim to "manager" to clarify the claim language. Appropriate correction is required.

5. Claim 107 is objected to because of the following informalities: Examiner suggests applicant change the word "so" in the 4<sup>th</sup> line of the claim to "to" to clarify the claim language. Appropriate correction is required.

***Response to Arguments***

6. Applicant's arguments with respect to amended claims 28-37, and new claims 78-117, have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 82, 83, 85, 90, 96, 97, 100, 101, 107, 112-116, are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the

inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 82 and 112 recite "providing a component that rates a merchant based on past transactions by that merchant". Claims 83, 97, and 113 recite "providing a component that rates a user based on past transactions by that user". Claims 85, 107, and 116 recite "a merchandise manager tracking a particular category of merchandise for a particular user, said merchandise manager sending a message to a user when said particular category of merchandise is available". Claim 90 recites "notifying a user when a particular item of merchandise is available". Claim 96 recites "providing a component that rates a seller based on past transactions by that seller". Claims 100 and 114 similarly recite "a feedback module providing feedback concerning said merchant to said user". Claims 101 and 115 similarly recite "a feedback module providing feedback concerning said user to said merchant". In the response filed February 1, 2008, applicant has failed to indicate where in applicant's disclosure these newly recited limitations can be found. Furthermore, after searching through applicant's disclosure and the drawings, examiner was unable to find such teachings. Examiner therefore suggests applicant indicate where in the disclosure these newly recited limitations are taught, or cancel the aforementioned claims.

### ***Claim Rejections - 35 USC § 101***

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Claims 78-86 and 93-117 are rejected under 35 U.S.C. 101 because the claimed inventions are directed to non-statutory subject matter.

11. With regards to independent claims 78 and 108, the claims recite a "two-way transaction service operating on the Worldwide Web". The claims fail to place the invention squarely within one statutory class of invention since the "two-way transaction service" is merely software *per se*. Software is not one of the four categories of invention and therefore these claims are not statutory. Software is not a series of steps or acts and thus is not a process. Software is not a physical article or object and as such is not a machine or manufacture. Software is not a combination of substances and therefore not a composition of matter.

Claims 79-86, and 109-117 depend from claims 78 and 108 respectively, and fail to make up for the deficiencies indicated in claims 78 and 108. Therefore, claims 79-86 and 109-117 are rejected under 35 U.S.C. 101 for the same reasons indicated above.

12. With regards to independent claims 93 and 99, the claims recite a "system". The claims fail to place the invention squarely within one statutory class of invention. On page 71, paragraph 00188, of the instant specification, applicant has provided evidence that applicant intends the "system" to include software. Software is not one of the four categories of invention and therefore these claims are not statutory. Software is not a series of steps or acts and thus is not a process. Software is not a physical

article or object and as such is not a machine or manufacture. Software is not a combination of substances and therefor not a composition of matter.

Claims 94-98, and 100-107 depend from claims 93 and 99 respectively, and fail to make up for the deficiencies indicated in claims 93 and 99. Therefore, claims 94-98 and 100-107 are rejected under 35 U.S.C. 101 for the same reasons indicated above.

### ***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 28-37, 78-81, 83, 84, 86-89, 91-95, 97-106, 108-111, 113-115, 117, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawlor et al. (hereinafter Lawlor), U.S. Patent 5,870,724 in view of Applicant's Admitted Prior Art (AAPA), (see applicant's disclosure pg.'s 3-5).

15. In considering claim 28, Lawlor discloses a method for performing a real-time transaction across the Internet comprising: receiving a transaction request from an end user (i.e. 54) for a transactional service selected from a plurality of transactional services managed by at least one web merchant, content provider or context provider (i.e. service provider 52) on the Internet, (col. 6, line 62-col. 7, line 13, col. 22, lines 34-

36, also see col. 20, lines 45-55, and Fig. 1); said plurality of transactional services represented or referenced in a virtual information store (i.e. main menu of services), (col. 31, lines 60-63); routing network information (i.e. user's account balance) associated with a content service (i.e. account information), (col. 31, line 60-col. 32, line 15); initiating at least one transactional application (i.e. "bill paying application", "account transfer application" etc.) corresponding to the content service, (col. 31, line 60-col. 32, line 15, col. 33, lines 36-58, col. 34, lines 4-13); and executing said transactional application, including utilizing said information to complete a real-time transaction between said end user and said web merchant or content provider, (col. 31, line 60-col. 32, line 15, col. 33, lines 36-58, col. 34, lines 4-13).

Although the teachings of Lawlor disclose substantial features of the claimed invention, they fail to expressly disclose: the Internet comprising the World Wide Web and the information associated with the content service comprising an object associated with a web media content service.

Nevertheless, the Internet comprising the World Wide Web, and information associated with a content service comprising an object associated with a web media content service, was well known in the art at the time of the present invention. This is exemplified in AAPA, where the AAPA discloses the Internet comprising the World Wide Web (pg. 3, par. 0004), and information associated with a content service comprising an object (i.e. HTML page) associated with a web media content service (i.e. account information), (pg. 4, par. 0008).



Thus, it would have been obvious to one of ordinary skill in the art to modify the teachings of Lawlor with AAPA to disclose the Internet comprising the World Wide Web and the information associated with the content service comprising an object associated with a web media content service. As was known in the art, this would have advantageously allowed for the end user to easily browse the transactional services provided in the virtual information store, (AAPA, pg. 3, par. 0004, pg. 4, par.'s 0007, 0008).

16. In considering claim 29, Lawlor discloses executing the transaction request interactively, (col. 7, line 60-col. 8, line 5).

17. In considering claim 30, Lawlor discloses said web merchant or content provider or context provider services selected from a group consisting of: multi-media messaging, archival management, retrieval management, directory services, data staging, conferencing, financial services, home banking, risk management, payroll services, human resources services and online purchasing, (col. 1, lines 13-22).

18. In considering claim 31, Lawlor discloses the transaction request is at least one of a group consisting of: a deposit into a bank account, a request for a loan from a bank, a purchase of a car from a car dealership, a purchase of a car with financing from a bank, (col. 18, lines 59-63, col. 31, lines 60-63, col. 34, lines 14-37, col. 39, lines 28-44).

19. In considering claim 32, Lawlor discloses the transactional service is provided using a service network over an IP-based network, (col. 12, lines 9, 10, and col. 13, lines 42-45, col. 20, lines 45-55).

20. In considering claim 33, it is inherent in the teachings of Lawlor that the transactional service is implemented to function as a routing switch within an application layer of an OSI model, (col. 12, lines 9, 10, col. 13, lines 42-45, and col. 31, line 60-col. 32, line 15, col. 33, lines 36-58, col. 34, lines 4-13).

21. In considering claim 34, the modified teachings of Lawlor suggest the transactional request is processed by more than one web merchant, (col. 6, line 62-col. 7, line 13). One of ordinary skill in the art would modify the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 28.

22. In considering claim 35, Lawlor discloses receiving non-end user input to select the transaction request, (col. 6, line 62-col. 7, line 13).

23. In considering claim 36, it is inherent in the teachings of Lawlor that a plurality of additional transaction requests while processing the transaction request are prioritized, (col. 6, line 62-col. 7, line 13).

24. In considering claim 37, Lawlor discloses performing at least one service selected from a group consisting of: applying security management to a managed connection, applying fault management to a managed connection, applying configuration management to a managed connection, applying performance management to a managed connection, and applying billing management to a managed connection, (col. 18, line 59-col. 19, line 22).

25. In considering claim 78, Lawlor discloses a real-time online, two-way transaction service operating on the Internet comprising: a content manager (i.e. 80) executing on a first server (52) supporting a first menu page on the Internet, said content manager allowing access by a user (i.e. 54) to a plurality of possible transactions from a plurality of sellers (i.e. wholesalers, payees, marketers, etc.), (col. 18, lines 35-50, col. 31, lines 60-col. 32, line 15, also see col. 20, lines 45-55 and Fig. 1); a user transaction manager (i.e. 80) allowing said user to enter into a first transaction using a second menu page, (col. 31, line 60-col. 32, line 15, also see Fig. 1); an account settling manager (i.e. 80) allowing said user to communicate with a payment program running on a second server (i.e. Direct Payee Computer 80) remote from said first server, wherein said user can settle an account relating to said first transaction, (col. 31, line 60-col. 32, line 15, also see Fig. 1); a switching component (i.e. 80) that temporarily switches said user from said first server to said second server to allow settling of said account, (col. 32, lines 42-61, also see Fig. 1); a communication module (i.e. 54)

allowing said user to communicate with at least one of said sellers by electronic mail, (col. 10, lines 25-28, also see Fig. 1).

Although the teachings of Lawlor disclose substantial features of the claimed invention, they fail to expressly disclose: the Internet comprising the World Wide Web and the menu page comprising a web page.

Nevertheless, the Internet comprising the World Wide Web, and a menu page comprising a web page, was well known in the art at the time of the present invention. This is exemplified in AAPA, where the AAPA discloses the Internet comprising the World Wide Web (pg. 3, par. 0004), and a menu page comprising a web page (160), (pg. 4, par. 0007).

Thus, it would have been obvious to one of ordinary skill in the art to modify the teachings of Lawlor with AAPA to disclose the Internet comprising the World Wide Web and the menu page comprising a web page. As was known in the art, this would have advantageously allowed for the user to easily browse the transactional services provided on a web page, (AAPA, pg. 3, par. 0004, pg. 4, par.'s 0007, 0008).

26. In considering claims 79 and 109, Lawlor discloses wherein said switching component switches said user back from said second server to said first server when said account is settled, (col. 33, lines 49-58, col. 34, lines 1-3).

27. In considering claims 80 and 110, the modified teachings of Lawlor suggest wherein said content manager also provides web advertising, (col. 22, lines 61-64).

One of ordinary skill in the art would combine the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 78.

28. In considering claims 81 and 111, the modified teachings of Lawlor further suggest a routine that redirects a user to a web page supported by a merchant running on a third server that offers additional possible transactions not visible on a web page on said first server, (col. 34, lines 14-27). One of ordinary skill in the art would combine the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 78.

29. In considering claims 83, 97, and 113, Lawlor discloses providing a component that rates a user based on past transactions by that user, (col. 31, lines 11-15).

30. In considering claim 84, the modified teachings of Lawlor suggest wherein said user transaction manager allows said user to enter into a second transaction on a third web page, and wherein said user settles said account for both said first and second transactions simultaneously, (col. 7, lines 1-4, col. 34, lines 14-27). One of ordinary skill in the art would combine the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 78.

31. In considering claims 86 and 91, the modified teachings of Lawlor suggest wherein said second web page contains a link to at least one other web page, (col. 31, line 60-col. 32, line 15). One of ordinary skill in the art would combine the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 78.

32. In considering claim 87, Lawlor discloses a method of permitting an online transaction in real-time on the Internet comprising the steps of: presenting a first menu page from a first server (i.e. 52) allowing a user to choose a transaction from a plurality of possible transactions, (col. 31, lines 60-col. 32, also see Fig. 1); presenting a second menu page allowing said user to interactively enter into said transaction with a particular seller (i.e. wholesaler, payee, marketer, etc.), (col. 18, lines 35-50, col. 31, lines 60-col. 32); switching said user from said first server to a payment server (i.e. 64, 72, 80, etc.) remote from said first server allowing said user to interactively settle said transaction, (col. 32, lines 42-62, also see Fig. 1); allowing said user to communicate by electronic mail with said seller, (col. 10, lines 25-28).

Although the teachings of Lawlor disclose substantial features of the claimed invention, they fail to expressly disclose: the Internet comprising the World Wide Web and the menu page comprising a web page.

Nevertheless, the Internet comprising the World Wide Web, and a menu page comprising a web page, was well known in the art at the time of the present invention. This is exemplified in AAPA, where the AAPA discloses the Internet comprising the

World Wide Web (pg. 3, par. 0004), and a menu page comprising a web page (160), (pg. 4, par. 0007).

Thus, it would have been obvious to one of ordinary skill in the art to modify the teachings of Lawlor with AAPA to disclose the Internet comprising the World Wide Web and the menu page comprising a web page. As was known in the art, this would have advantageously allowed for the user to easily browse the transactional services provided on a web page, (AAPA, pg. 3, par. 0004, pg. 4, par.'s 0007, 0008).

33. In considering claim 88, Lawlor further discloses the step of switching said user back from said payment server to said first server when said transaction is settled, (col. 33, lines 49-58, col. 34, lines 1-3).

34. In considering claim 89, the modified teachings of Lawlor further suggest the step of presenting a second web page allowing said user to interactively enter into a second transaction with a different particular seller, and wherein said user interactively settles both transactions simultaneously, (col. 7, lines 1-4, col. 34, lines 14-27). One of ordinary skill in the art would combine the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 87.

35. In considering claim 92, the modified teachings of Lawlor suggest wherein said first web page contains a link to at least one other web page, (col. 31, line 60-col.

32, line 15). One of ordinary skill in the art would combine the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 78.

36. In considering claim 93, Lawlor discloses a system for paying bills on the Internet comprising: a transaction manager system (i.e. 80) running on a first server (i.e. 52) presenting a first menu page on the Internet allowing a buyer (i.e. 54) to choose a category of bill, (col. 31, lines 60-col. 32 line 15, also see col. 20, lines 45-55 and Fig. 1); a bill presentation system (i.e. 52) for presenting a plurality of bills to be paid in said category on a second menu page, (col. 31, line 60-col. 32, line 15); a bill presentation system (i.e. 52) for presenting information about a particular bill to said buyer and information about a seller of merchandise/service related to said bill on a third menu page, (col. 31, line 60-col. 32, line 15); a switching component (i.e. 80) providing content (i.e. bank information) to said buyer from a financing service (i.e. bank service), said content being located on a server (i.e. 64) remote from said first server, said switching component routing a quote from said financing service to said buyer, (col. 34, lines 4-27, also see Fig. 1); a payment component (i.e. 80) allowing said buyer to pay said particular bill from said seller obtaining financing from said financing service, (col. 31, line 64-col. 32, line 15, also see col. 34, lines 4-27 and Fig. 1); a communications component (i.e. 54) allowing said buyer to communicate with said seller by electronic mail, (col. 10, lines 25-28).

Although the teachings of Lawlor disclose substantial features of the claimed invention, they fail to expressly disclose: paying bills comprising purchasing a vehicle,



the Internet comprising the World Wide Web, and the menu page comprising a web page.

Nevertheless, paying bills comprising purchasing a vehicle, the Internet comprising the World Wide Web, and a menu page comprising a web page, was well known in the art at the time of the present invention. This is exemplified in AAPA, where the AAPA discloses the Internet comprising the World Wide Web (pg. 3, par. 0004), a user purchasing a vehicle from the World Wide Web (pg. 3, par.'s 0005, 0006), and a menu comprising a web page (160), (pg. 4, par. 0007).

Thus, it would have been obvious to one of ordinary skill in the art to modify the teachings of Lawlor with AAPA to disclose paying bills comprising purchasing a vehicle, the Internet comprising the World Wide Web, and the menu page comprising a web page. As was known in the art, this would have advantageously allowed for the user to easily browse the services involved with purchasing a vehicle provided on a car dealers web page, (AAPA, pg. 3, par.'s 0004-0006, pg. 4, par.'s 0007, 0008).

37. In considering claim 94, the modified teachings of Lawlor suggest wherein said financing service provides online approval for said financing, (col. 34, lines 14-27). One of ordinary skill in the art would combine the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 93.

38. In considering claim 95, Lawlor discloses said switching component provides the financing service with information concerning said buyer, (col. 34, lines 4-27).

39. In considering claim 98, the modified teachings of Lawlor suggest wherein said third web page contains a link to at least one other web page, (col. 31, line 60-col. 32, line 15). One of ordinary skill in the art would combine the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 93.

40. In considering claim 99, Lawlor discloses a system for creating an online merchant comprising: a content manager (i.e. 80) running on a first server (i.e. 52) presenting a menu page on the Internet allowing a user (i.e. 54) to choose a category of services from a plurality of categories, (col. 31, lines 60-col. 32 line 15, also see col. 20, lines 45-55 and Fig. 1); said content manager also allowing a merchant to present a plurality of bill payment selections on a merchant menu page, wherein said bill payment selections belong to at least one of said categories, (col. 31, lines 60-col. 32 line 15); said content manager allowing a user (i.e. 54) to select one of said categories and switching said user to said merchant menu page upon selection of a particular category, (col. 31, lines 60-col. 32 line 15); a transaction manager (i.e. 80) allowing said user to enter into a real-time transaction with said merchant with respect to a first particular bill payment, (col. 33, lines 36-58); and wherein said transaction manager switches said user to content from a menu page provided by a transaction settlement service running on a second server (i.e. 64) remote from said first server, wherein said user can settle said transaction, (col. 33, lines 36-58, also see col. 34, lines 4-27 and Fig. 1); a mail

service module (i.e. 54) that allows said user to communicate with said merchant by electronic mail, (col. 10, lines 25-28).

Although the teachings of Lawlor disclose substantial features of the claimed invention, they fail to expressly disclose: paying bills comprising a merchandise transaction, the Internet comprising the World Wide Web, and the menu page comprising a web page.

Nevertheless, paying bills comprising a merchandise transaction, the Internet comprising the World Wide Web, and a menu page comprising a web page, was well known in the art at the time of the present invention. This is exemplified in AAPA, where the AAPA discloses the Internet comprising the World Wide Web (pg. 3, par. 0004), a user purchasing a vehicle from the World Wide Web (pg. 3, par.'s 0005, 0006), and a menu comprising a web page (160), (pg. 4, par. 0007).

Thus, it would have been obvious to one of ordinary skill in the art to modify the teachings of Lawlor with AAPA to disclose paying bills comprising a merchandise transaction, the Internet comprising the World Wide Web, and the menu page comprising a web page. As was known in the art, this would have advantageously allowed for the user to easily browse the services involved with purchasing merchandise provided on a web page, (AAPA, pg. 3, par.'s 0004-0006, pg. 4, par.'s 0007, 0008).

41. In considering claims 100 and 114, Lawlor further discloses a feedback module providing feedback concerning said merchant to said user (e.g. a feedback

module is inherent in the server associated with the merchant that directs "a sales response at the interested customer"), (col. 31, lines 16-23).

42. In considering claims 101 and 115, Lawlor discloses a feedback module providing feedback concerning said user to said merchant., (col. 31, lines 11-15).

43. In considering claim 102, the modified teachings of Lawlor suggest placing advertising on said first web page, (col. 31, lines 11-15). One of ordinary skill in the art would combine the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 99.

44. In considering claim 103, the modified teachings of Lawlor suggest placing advertising on said merchant web page, (col. 31, lines 11-15). One of ordinary skill in the art would combine the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 99.

45. In considering claim 104, the modified teachings of Lawlor suggest wherein said transaction manager switches said user from a transaction web page for a single product to said merchant web page, (col. 33, line 36-col. 34, line 27). One of ordinary skill in the art would combine the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 99.

46. In considering claim 105, the modified teachings of Lawlor suggest wherein said first web page contains a link to said merchant web page, (col. 31, line 60-col. 32, line 15). One of ordinary skill in the art would combine the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 99.

47. In considering claim 106, the modified teachings of Lawlor suggest wherein said content manager allows said user to select a second category of merchandise and said transaction manager allows said user to enter into a real-time transaction for a second particular piece of merchandise different from said first particular piece of merchandise and wherein said settlement service allows said user to settle an account for both said first and second particular piece of merchandise simultaneously, (col. 34, lines 14-27, also see col. 7, lines 1-4). One of ordinary skill in the art would combine the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 99.

48. In considering claim 108, Lawlor discloses a real-time online, two-way transaction service operating on the Internet comprising: a content manager (i.e. 80) executing on a first server (i.e. 52) supporting a first menu page on the Internet, said content manager allowing access by a user (i.e. 54) to a plurality of possible transactions from a plurality of sellers, (i.e. wholesalers, payees, marketers, etc.), (col. 18, lines 35-50, col. 31, lines 60-col. 32 line 15, also see col. 20, lines 45-55 and Fig. 1); a user transaction manager (i.e. 80) allowing said user to enter into a first real-time transaction using a second menu page, said user transaction manager also allowing

said user to enter into a second real-time transaction using a third menu page, (col. 31, lines 60-col. 32 line 15, col. 33, lines 36-58, col. 34, lines 4-27, also see Fig. 1); an account settling manager (i.e. 80) allowing said user to communicate with a payment program running on a second server (i.e. 64) remote from said first server, wherein said user can settle an account relating to said first transaction and said second transaction simultaneously, (col. 33, lines 36-58, also see col. 34, lines 4-27, col. 7, lines 1-4, and Fig. 1); a switching component (i.e. 80) that temporarily switches said user from said first server to said second server to allow settling of said account, (col. 33, lines 36-58); a communication module (i.e. 54) allowing said user to communicate with at least one of said sellers by electronic mail, (col. 10, lines 25-28).

Although the teachings of Lawlor disclose substantial features of the claimed invention, they fail to expressly disclose: the Internet comprising the World Wide Web, and the menu page comprising a web page.

Nevertheless, the Internet comprising the World Wide Web, and a menu page comprising a web page, was well known in the art at the time of the present invention. This is exemplified in AAPA, where the AAPA discloses the Internet comprising the World Wide Web (pg. 3, par. 0004), and a menu comprising a web page (160), (pg. 4, par. 0007).

Thus, it would have been obvious to one of ordinary skill in the art to modify the teachings of Lawlor with AAPA to disclose the Internet comprising the World Wide Web, and the menu page comprising a web page. As was known in the art, this would have advantageously allowed for the user to easily browse the plurality of possible

transactions from the plurality of sellers, (AAPA, pg. 3, par. 0004, pg. 4, par.'s 0007, 0008).

49. In considering claim 117, the modified teachings of Lawlor suggest wherein either said second or said third web page contains a link to some other web page, (col. 31, line 60-col. 32, line 15). One of ordinary skill in the art would combine the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 108.

50. Claims 82, 96, 112, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawlor in view of AAPA and further in view of Official Notice.

51. In considering claims 82, 96, and 112, although the teachings of Lawlor disclose substantial features of the claimed invention, they fail to expressly disclose: providing a component that rates a merchant/seller based on past transactions by that merchant.

Nevertheless, examiner takes official notice that providing a component that rates a merchant/seller based on past transactions by that merchant/seller were well known in the art.

Thus, it would have been obvious to one of ordinary skill in the art to modify the teachings of Lawlor to disclose providing a component that rates a merchant/seller based on past transactions by that merchant/seller. As was known in the art, this would have provided valuable data for potential future customers of the merchant/seller to use

to decide whether or not they would like to perform transactions with the merchant/seller.

52. Claims 85, 90, 107, 116, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawlor in view of AAPA and further in view of Krichilsky et al. (hereinafter Krichilsky), U.S. Patent Pub. No. 2002/0152200.

53. In considering claims 85, 107, and 116, although the teachings of Lawlor disclose substantial features of the claimed invention, they fail to expressly disclose: a merchandise manager tracking a particular category of merchandise for a particular user, said merchandise manager sending a message to a user when said particular category of merchandise is available.

Nevertheless, in analogous teachings Krichilsky discloses a merchandise manager (i.e. 208) tracking a particular category of merchandise for a particular user (i.e. 202, 204), said merchandise manager sending a message to a user when said particular category of merchandise is available, (pg. 3, par. 0036, 0037).

Thus, given the teachings of Krichilsky, it would have been obvious to one of ordinary skill in the art to modify the teachings of Lawlor to disclose a merchandise manager tracking a particular category of merchandise for a particular user, said merchandise manager sending a message to a user when said particular category of merchandise is available. This would have advantageously reduced the amount of time



the particular user waits to purchase/receive the merchandise by notifying the user as soon as the merchandise becomes available, (Krichilsky, pg. 3, par. 0036).

54. In considering claim 90, although the teachings of Lawlor disclose substantial features of the claimed invention, they fail to expressly disclose: notifying a user when a particular item of merchandise is available.

Nevertheless, in analogous teachings Krichilsky discloses a merchandise manager (i.e. 208) tracking a particular category of merchandise for a particular user (i.e. 202, 204), said merchandise manager sending a message to a user when said particular category of merchandise is available, (pg. 3, par. 0036, 0037).

Thus, given the teachings of Krichilsky, it would have been obvious to one of ordinary skill in the art to modify the teachings of Lawlor to disclose notifying a user when a particular item of merchandise is available. This would have advantageously reduced the amount of time the particular user waits to purchase/receive the merchandise by notifying the user as soon as the merchandise becomes available, (Krichilsky, pg. 3, par. 0036).

### ***Conclusion***

55. The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03, namely, "if applicant traverses such an assertion, the examiner should cite a reference in support of his or her position". However, MPEP § 2144.03 further states "See also *In re Boon*, 439 F.2d 724, 169 USPQ 231 (CCPA

1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, In re Boon, 169 USPQ 231, 234 states "as we held in Ahlert, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or repute of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

56. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HASSAN PHILLIPS whose telephone number is (571)272-3940. The examiner can normally be reached on Mon-Fri (8am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2100

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HP

Examiner, Art Unit 2151

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2151